10/809,149

MARTIN & FERRARO, LLP
ATTORNEYS AT LAW
1557 Lake O'Pines Street, NE
Hartville, Ohio 44632

Telephone
(330) 877-0700

Facsimile
(330) 877-2030

FACSIMILE TRANSMITTAL

TO:

Name: Office of Patent Publication
Certificate of Corrections Branch

Firm: U.S. Patent & Trademark Office

Fax No.: 571-273-8300

FROM:

Name: Thomas H. Martin

Phone No.: 330-877-2277

No. of Pages (including this): 7

Subject: Request for Certificate of Correction
U.S. Patent No. 7,314,468
Issued: January 1, 2008
Gary K. Michelson
METHOD FOR USING ARCUATE DYNAMIC LORDOTIC GUARD WITH MOVABLE EXTENSIONS FOR CREATING AN IMPLANTATION SPACE POSTERIORLY IN THE LUMBAR SPINE
Attorney Docket No.: 101.0093-02000
Customer No. 22882

Date: January 18, 2008

Confirmation Copy to Follow: No

Message:

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Request for Certificate of Correction with 1 sheet of Form PTO/SB/44 (in duplicate) and 2 pages of supporting documents are being facsimile transmitted to the U.S. Patent and Trademark Office on January 18, 2008.

Sandra L. Blackmon

If there is a problem with this transmission please call the sender at the number above.

PATENT
Attorney Docket No. 101.0093-02000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent of:	)	
Gary K. Michelson	)	
Patent No.: 7,314,468	)	(Serial No.: 10/809,149)
Issue Date: January 1, 2008	)	(Filed: March 25, 2004)
For: METHOD FOR USING ARCUATE DYNAMIC LORDOTIC GUARD WITH MOVABLE EXTENSIONS FOR CREATING AN IMPLANTATION SPACE POSTERIORLY IN THE LUMBAR SPINE	)	

Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR CERTIFICATE OF CORRECTION

Pursuant to 35 U.S.C. § 254 and 37 C.F.R. § 1.322, this is a request for the issuance of a Certificate of Correction in the above-identified patent. Two (2) copies of Form PTO/SB/44 are appended. The complete Certificate of Correction involves one (1) page.

The mistakes identified in the appended Form occurred through the fault of the Patent Office, as clearly disclosed by the records of the application which matured into this patent, and as evidenced in the attached copies of the following documents:

1. Page 2 of the November 20, 2006 Amendment showing the correct language of issued claim 2; and
2. Page 6 of the November 20, 2006 Amendment showing the correct language of issued claim 43.

Issuance of the Certificate of Correction containing the correction is earnestly requested.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: January 18, 2008

By: _____
Thomas H. Martin
Registration No. 34,383

1557 Lake O'Pines Street, NE
Hartville, Ohio 44632
Telephone: (330) 877-0700
Facsimile: (330) 877-2030

PTO/SB/44 (04-05)
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO.	:	7,314,468
APPLICATION NO.	:	10/809,149
ISSUE DATE	:	January 1, 2008
INVENTOR(S)	:	Gary K. Michelson

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 12:
Line 6: change "surgey" to --surgery--.

Column 14:
Line 33: change "conibination" to --combination--; and
Line 34: change "bane" to --bone--.

MAILING ADDRESS OF SENDER:
Martin & Ferraro, LLP
1557 Lake O'Pines Street, NE
Hartville, Ohio 44632

PATENT NO. 7,314,468

PTO/SB/44 (04-05)
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO.	:	7,314,468
APPLICATION NO.	:	10/809,149
ISSUE DATE	:	January 1, 2008
INVENTOR(S)	:	Gary K. Michelson

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 12:
Line 6: change "surgey" to –surgery–.

Column 14:
Line 33: change "conibination" to --combination--; and
Line 34: change "bane" to --bone--.

MAILING ADDRESS OF SENDER:
Martin & Ferraro, LLP
1557 Lake O'Pines Street, NE
Hartville, Ohio 44632

PATENT NO. 7,314,468

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (currently amended) A method for inserting a spinal implant having at least in part upper and lower arcuate portions at least in part within and across the generally restored height of a disc space between two adjacent vertebral bodies of a human spine, the spine having a longitudinal axis, the method comprising the steps of:

positioning into the disc space between the adjacent vertebral bodies a guard having a body and an extension for insertion at least in part into the disc space and for bearing against end plates of the adjacent vertebral bodies to restore the spacing of the disc space between the adjacent vertebrae, said guard having a first portion oriented toward one of the adjacent vertebral bodies and a second portion oriented toward another of the adjacent vertebral bodies, said first and second portions being rotatably articulating relative to one another such that when said body moves from an open position to a closed position said extension moves from an insertion position to a deployed position to move the adjacent vertebral bodies apart;

rotatably articulating said guard about an axis that is generally perpendicular to the longitudinal axis of the spine to move said body from an open position to a closed position and said extension from an insertion position to a deployed position to move the adjacent vertebral bodies apart; and

forming, through said guard, an opening having opposed arcuate portions across the height of the disc space and into at least a portion of the endplates of the adjacent vertebral bodies.

2. (original) The method of claim 1, further comprising the step of performing the spinal implant surgery from a position posterior to the transverse processes of

34. (original) The method of claim 32, wherein the loading step includes loading the implant with the fusion promoting substance being selected from one of bone, bone derived products, demineralized bone matrix, ossifying proteins, bone morphogenetic protein, hydroxyapatite, and genes coding for the production of bone.

35. (original) The method of claim 32, further comprising the step of retaining the fusion promoting substance within the implant after the step of loading.

36. (original) The method of claim 35, wherein the step of retaining includes the step of attaching a cap to the implant to retain the fusion promoting substance.

37. (original) The method of claim 15, further comprising the step of treating the implant with a fusion promoting substance.

38. (original) The method of claim 15, wherein the implant is in combination with a chemical substance adapted to inhibit scar formation.

39. (original) The method of claim 15, wherein the implant is in combination with an antimicrobial material.

40. (original) The method of claim 15, wherein the inserting step includes inserting an implant comprising a fusion promoting substance.

41. (original) The method of claim 15, wherein the inserting step includes inserting an implant comprising a bone ingrowth surface.

42. (original) The method of claim 15, wherein the inserting step includes the step of inserting an implant comprised at least in part of one of bone and bone growth promoting material.

43. (original) The method of claim 15, wherein the implant is in combination with at least one of a fusion promoting substance, bone, bone growth promoting material, bone derived products, demineralized bone matrix, ossifying proteins, bone morphogenetic protein, hydroxyapatite, and genes coding for the production of bone.

44. (original) The method of claim 1, further comprising the steps of collapsing the extensions and removing the guard from the disc space.